

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 11-30-72 by plaintiff.

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
DEAN ZILAR		For plaintiff: C. B. Savage Petroroleum Club Building Tulsa, Oklahoma 74119 (584-4716)					
VS.							
FRANK GRAYSON, GEORGE HUSONG, BOB GREEN and BOB HUGHES,		For defendant: Gary D. Mallow (Hughes) (Grove, 786-2977) Jay, Oklahoma Bert M. Grigg (Green) 512 Mayo Building Tulsa, Okla. 74103 (582-7632) Of Counsel: Leroy Patton Robert L. Shepherd (Grayson and Husong) 100 Center Plaza, Suite A Tulsa, Oklahoma 74119 (583-7144) Irvine E. Ungerman (Green) Sixth Floor Wright Bldg. Tulsa, OK 74103					
Gary D. Mallow (Husong) P. O. Box 673 Grove 74344 (918-786-2977)							
STATISTICAL RECORD	COSTS			DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 8-1-72	Clerk			7/26	C.B.Savage	15.00	
J.S. 6 mailed 12-1-73	Marshal						
Basis of Action: money judgment for deprivation of rights under 1st, 4th, 5th, 6th 9th, 10th & 14th Amendments to Constitution Action arose at:	Docket fee Witness fees Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-26-72	Complaint, filed. Summons issued. rm	
8-7-72	Return on Marshal's service of summons, filed. Served George Husong in Miami on 8/2/72 by serving June Husong in Grove. (\$USM 25.08) Served Bob Hughes in Jay on 7/27/72; Served Frank Grayson in Miami on 7/27/72; served Bob Green in Vinita on 7/27/72. (USM \$46.08)	
8-14-72	Motion to dismiss and <u>answer</u> of deft. <u>Bob Hughes</u> , filed. hm <i>only to FD</i>	
8-14-72	Brief in support of motion to dismiss on behalf of deft. Bob Hughes, filed. hm <i>only to FD</i>	
8-14-72	Application of Frank Grayson, defendant, for extension of time to answer, for 15 days from 8-16-72 to 8-31-72, filed. Order attached, granting extension of time to 8-31-72. Jack C. Silver, Acting court clerk. ds	
8-14-72	Application of defendant, George Husong, for extension of 15 days from 8-17-72 to answer, filed. Order attached, granting extension of time to 9-1-72. Jack C. Silver, Acting Court Clerk. ds	
8-16-72	Letter, filed, directing pltf. to respond to deft's ^(Bob Hughes) motion to dismiss within 15 days from 8-15-72. (FD-J)hm	
8-16-72	Motion to dismiss and <u>answer</u> of deft. <u>Bob Green</u> , filed. hm <i>only to FD</i>	
8-16-72	Brief in support of motion to dismiss on behalf of deft. Bob Green, filed. hm <i>only to FD</i>	
8-22-72	Letter, filed, directing pltf. to respond within 10 days to motion to dismiss of deft. Bob Green. (FD-J)hm <i>(9-1-72)</i>	
8-25-72	Motion to dismiss of def. <u>Grayson</u> , and <u>answer</u> , with brief in support thereof, filed. rm	
8-25-72	Motion to dismiss and <u>answer</u> of def. <u>Husong</u> , with brief in support thereof, filed. rm	
8-29-72	Letter from J. D., stating that Pltf is to Respond to Defts' Grayson and Husong's Motions to Dismiss within 10 days from 8-28-72 (9-7), Filed. r	
9-1-72	Response of pltf. to def. Grayson, Husong, Green and Hughes Motion to dismiss, filed. rm <i>only to file</i>	
9-25-72	Order filed, denying the Motions to Dismiss of defts. Grayson, Husong, Green & Hughes, filed. (FD-J)r (Copies mailed)	
11-2-72	Case set for Pre-Trials on Thurs. 11-30-72 at 9:50 A.M. (FD-J)r	
11-30-72	Pre-trial hearing held. Plaintiff granted 10 days to file brief re: Atty fees, def to reply within 10 days. Plaintiff's oral demand for jury trial granted with def's objections. Parties directed to depose Hughes, Grayson & Husong, and to exchange witnesses. Requested instructions to be filed by Plaintiff within 15 days; def. granted 30 days to file requested instructions. Plaintiff directed to prepare pre-trial order. (FD-J)	

(Cont.)

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-19-72	Letter from Pltf dated 12-12-72, stating that they have found no such authorities, and therefore, withdraw request, filed. r (Copy of letter to deft attys)	
1-2-73	PRE-TRIAL ORDER, filed. (FD-J)r (Copies mailed)	
1-15-73	Deft Grayson & Husong requested instructions, filed. r	
1-23-73	Oral Deposition, filed, of Dean Zilar, taken on 11-27-72, in Tulsa, Okla., before Jimmie J. Reed, CSR, with fee of \$98.00, pd. by Deft. Green. v	
1-23-73	Oral Depositions of Gary Don Mallow and Bob Green, taken on behalf of Pltf. on 11-27-72, in Tulsa, Okla., before Jimmie J. Reed, CSR, with fee of \$46.00, pd. by Pltf. v	
8-7-73	Case set for Jury Trials on Monday, 10-29-73 at 9:30 A.M. (FD-J)r	
8-16-73	Entry of Appearance by Counsel for Bob Green, namely Irvine E. Ungerman, filed. v	
9-4-73	Application to Withdraw as Atty. of Record for George Husong, filed. O to J <i>Aug</i>	
9-6-73	Order filed, granting Robt Shepherd permission to withdraw as counsel for deft Husong. Deft Husong is ordered to engage new counsel and cause him to enter his appearance on or before 9-20-73. (FD-J)r (Copies mailed to all attys and copy mailed to Husong at two addresses.)	
9-25-73	Entry of appearance by Gary D. Mallow as counsel for George Husong, filed. rm	
10-31-73	Case called for jury trial. All parties present and represented. Jury duly empaneled and sworn. Rule invoked except as to expert witness. Parties make opening statement. Pltf. presents case in chief w/test. of witnesses. Defts. mo/judg. of dismissal - overruled. W. Fred Phillips granted permission to enter appearance. <u>Entry of appearance filed in open ct. 5:10 p.m. ct. adjourns.</u> (FD-J)rm	
11-1-73	Jury trial continues, 9:30 a.m. Pltf. continues case in chief w/witnesses. Pltf. rests. Def.'s mo/dismissal denied. Defts. present case in chief w/test. of witnesses and rests. Parties rest. Defts. renew mo/dismissal & directed verdict & is denied. Defs. mo/dismissal re Def Hughes granted. 5:45 p.m. Ct. adjourns. (FD-J)rm	
11-1-73	Order of dismissal as to def. Bob Hughes filed and entered. (FD-J)rm	
11-2-73	Jury trial continues, 9:30 a.m. All parties present. Closing arguments held. Ct. instructs jury; bailiff sworn & jury retires to deliberate for purpose of selecting foreman at 12:07 p.m. (3:50 p.m.) jury returns w/verdict in favor of defs. Grayson, Husong & Green and against pltf. Clerk directed to file judgment on jury verdict dismissing case against these defs. Ct. advises counsel that time for notice of appeal or mo/new trial to run from this date. <u>Verdict filed in open ct.</u> Unused verdicts & special interrogatory, filed in open ct. Jury polled & discharged. (FD-J)rm	
11-2-73	Judgment on jury verdict, filed and entered. (JCS-Clk)rm	
11-2-73	Trial exhibits, filed. rm <i>(shown in 11-2-73 room)</i>	

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-6-73	U.S. Marshal's Service returned & filed. Subpeonae Duces Tecum served upon Lee Jordan 11-2-73 at Vinita, Okla. (USM \$13.86)jj	
11-7-73	Bill of Costs, filed. Set for hrg. 11-15-73 to tax costs, before Clk. v	
11-12-73	Pltfs. Motion for New Trial, filed. jj	
11-12-73	Brief in Support of Motion for New Trial, filed. jj	
11-15-73	Bill of Costs taxed in the amount of \$180.20, this date. (JCS-CC)v	
11-15-73	Ltr. fr. FD to defs. directing them to respond to pltf. mo/new trial w/brief if opposed, by <u>11/29</u> . (FD-J)rm	
11-16-73	Application of Deft. Grayson, for Extension of Time to Respond to Plaintiff's Motion for New Trial, filed. jj <i>O Mailed to J Daugherty by Counsel</i>	
11-19-73	Application of Deft. Husong, for Extension of Time to Respond to Plaintiff's Motion for New Trial, filed. jj O to J	
11-21-73	Response of Deft., Bob Green, to Pltf's Mtn. for a New Trial, filed. jj	
11-26-73	Order, filed, granting def. Grayson to <u>12/14/73</u> to respond to pltf. mo/new trial. (FD-J)rm - copies mailed	
11-26-73	Order, filed, granting def. Husong to 12/14/73 to respond to pltf. mo/new trial. (FD-J)rm - copies mailed	
12-3-73	Response and Brief of Defts. Grayson and Husong, in Opposition to Pltf's Motion for New Trial, filed. jj	
12-12-73	Order overruling pltf.'s motion for new trial, filed. (FD-J)rm <i>Copies mailed</i>	